

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (ST) NO. 4000 of 2005

IN

REVIEW PETITION NO. 6 OF 2004

IN

FIRST APPEAL NO. 31 OF 2004

Milind Madhukar Joshi

... Appellant

V/s

Sanjay Madhukar Joshi & ors.

... Respondents

Mr. S.R. Nargolkar for the petitioner.

Mr. P.B. Shah for the respondents.

CORAM: P.V. KAKADE, J.

DATED: 29TH SEPT., 2005

P.C.:

1. Heard learned counsel for both sides. Perused the record. Also perused the order of the Registrar dated 27.9.2005. Apart from maintainability of the present review petition on that count, on merits also, this application is evidently required to modify the order passed in Review Petition No. 6 of 2004 dated 3.12.2004, to the extent that the first appeal filed by the appellant bearing (St.) No. 40998 of 2004 to be restored to the file and heard on merits. In my

considered view, such application in fact is in nature of review of the order passed in the review petition which is not maintainable. If the petitioner desires to seek remedy he has to pursue independent proceeding and such petition cannot be entertained under the caption of modification of order passed in the earlier review petition.

2. Hence, the petition stands dismissed with no order as to costs with liberty to the petitioner to pursue his independent remedy, if he so wishes.

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